

JUN 23 2006

PTO/SB/21 (08-00)

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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/083,960
		Filing Date	February 25, 2002
		First Named Inventor	Rothbard, Jonathan B.
		Group Art Unit	1653
		Examiner Name	Not Assigned
Total Number of Pages in This Submission		Attorney Docket Number	019801-000240US

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):		
		Return Postcard		
		Copy of Notice to File Missing Parts		
		Declaration		
		Small Entity Statement		
		Statement Under 37 CFR 3.73(b) w/copy of assignment		
		Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Matthew E. Hirsch	
Signature		
Date	June 17, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

June 17, 2002

Typed or printed name	Joy M. Marshall	
Signature		Date
	June 17, 2002	

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SF 1356728 v1

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 65)

Complete if Known	
Application Number	10/083,960
Filing Date	February 25, 2002
First Named Inventor	Rothbard, Jonathan B.
Examiner Name	Not Assigned
Group Art Unit	1653
Attorney Docket No.	018801-000240US

METHOD OF PAYMENT (check all that apply)

Check Credit Card MoneyOrder Other None

Deposit Account:

Deposit Account Number **20-1430**Deposit Account Name **Townsend and Townsend and Crew LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
- Charge any additional fee(s) during the pendency of this application
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 65)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Large Entity Small Entity

Total Claims	-20**	=	Extra Claims	Fee from below	Fee Paid
Independent Claims		=			
Multiple Dependent		=			
		X			

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**
Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	820*	112	820*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	218	200	Extension for reply within second month	
117	820	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to Institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
128	180	128	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$ 65)**SUBMITTED BY**

Complete if applicable

Name (Print/Type)	Matthew E. Hinch	Registration No. (Attorney/Agent)	47,651	Telephone	415-678-0200
Signature	June 17, 2002				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.

JUN 29 2006

PTO/SB/01A (10-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	COMPOSITIONS AND METHODS FOR ENHANCING DRUG DELIVERY ACROSS AND INTO OCULAR TISSUES
--------------------	---

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or
 Application No. 10/083,960 filed on February 25, 2002
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 Jonathan B. Rothbard Date: June 7, 2002

Signature: Jonathan B. Rothbard Citizen of: United States

Inventor 2 Paul A. Wender Date: 06/10/02

Signature: Paul A. Wender Citizen of: United States

Inventor 3 P. Leo McGrane Date: 6-7-2002

Signature: P. Leo McGrane Citizen of: United States

Inventor 4 Lalitha V.S. Sista Date: 6/7/02

Signature: Lalitha V.S. Sista Citizen of: India

Additional inventors are being named on form(s) attached hereto.

Burden Hour Statement: To Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
SF 1351747 v1

Attorney Docket No.: 019801-000240US
Client Ref. No.:

PTO/SB/01A (10-01)

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	COMPOSITIONS AND METHODS FOR ENHANCING DRUG DELIVERY ACROSS AND INTO OCULAR TISSUES
--------------------	--

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- The attached application, or
 Application No. 10/083,960 filed on February 25, 2002
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

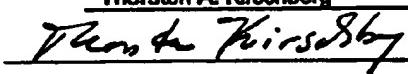
All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 5

Thorsten A. Kirschberg

Date: 06-07-2002

Signature: 

Citizen of: Germany

- Additional inventors are being named on form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
SF 1351960 v1



fn
Attorney Docket No.: 019801-000240US

**STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(i) & 1.27(e)) - SMALL BUSINESS CONCERN**

Applicant or Patentee:
Application or Patent No.:
Filed or Issued:
Title:

Jonathan B. Rothbard, Paul A. Wender, P. Leo McGrane, Lalitha V.S. Sista, Thorsten A. Kirschberg
10/083,960
February 25, 2002
Compositions and Methods for Enhancing Drug Delivery Across and Into Ocular Tissues

I hereby declare that I am:

the owner of the small business concern identified below;
an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern:
Address of Small Business Concern:

CellGate, Inc.

552 Del Ray Ave.

Sunnyvale, CA 94086

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Compositions and Methods for Enhancing Drug Delivery Across and Into Ocular Tissues by inventor(s) Jonathan B. Rothbard, Paul A. Wender, P. Leo McGrane, Lalitha V.S. Sista, Thorsten A. Kirschberg described in:

the specification filed herewith;
 Application No. 10/083,960, filed February 25, 2002;
 Patent No. _____ issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name:
Address:

Individual Small Business Concern Nonprofit Organization

Name:
Address:

Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:
Title of Person if Other than Owner:
Address of Person Signing:

Edward F. Schnipper
President & CEO
CellGate, Inc.
552 Del Ray Ave.
Sunnyvale, CA 94086

Signature Edward F. Schnipper

Date

6/7/02



Please type a plus sign (+) inside this box → + →

PTO/SB/81 (02-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

	Application Number	10/083,860
	Filing Date	02/25/02
	First Named Inventor	Rothbard, Jonathan B.
	Title	Compositions and Methods for Enhancing Drug Delivery Across and into Ocular Tissues
	Group Art Unit	1653
	Examiner Name	Not assigned
	Attorney Docket Number	019801 000240US

I hereby appoint:

Practitioners at Customer Number

20350

Place Customer
Number Bar Code
Label here

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

The above-mentioned Customer Number.

OR

Practitioners at Customer Number



Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name Edward F. Schipper

Signature Edward F. Schipper

Date June 7, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

*Total of _____ forms are submitted.



PTO/SB/96 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Attorney Docket No. 019801 000240US

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Jonathan B. Rothbard, Paul A. Wender, P. Leo McGrane, Lalitha V.S. Sista, Thorsten A Kirschberg

Application No./Patent No.: 10/083,960

Filed/Issue Date: 02/25/02

Entitled: Compositions and Methods for Enhancing Drug Delivery Across and Into Ocular Tissues

CellGate, Inc.

a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is ____ %

In the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 7, 2002
Date

Edward F. Schnipper
Typed or printed name
Edward F. Schnipper
Signature
President - CEO
Title

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Jonathan B. Rothbard of 19500 Pruneridge Ave., Cupertino, CA 95014; Paul A. Wender of 930 Siskiyou Ave., Menlo Park, CA 94025; P. Leo McGrane of 110 Beacon Street, Mountain View, CA 94040; Lalitha V.S. Sista of 1333 Floyd Ave., Sunnyvale, CA 94087; Thorsten A. Kirschberg of 360 Chiquita Ave., #11, Mountain View, CA 94041; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: Compositions and Methods for Enhancing Drug Delivery Across and Into Ocular Tissues

Date(s) of execution of Declaration:

Filing Date: February 25, 2002

Application No.: 10/083,960; and

WHEREAS, CellGate, Inc., located at 552 Del Ray Ave., Sunnyvale, CA, 94086, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

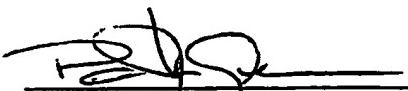
Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

Assignment
Attorney Docket No.: 019801-000240US
Page 2

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: June 7, 2002

Jonathan B. Rothbard
Jonathan B. Rothbard


WITNESS SIGNATURE

Paula Greene
WITNESS PRINTED NAME

Dated: 06/10/02

Paul Wender
Paul A. Wender

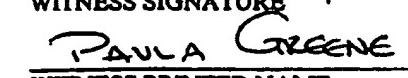

WITNESS SIGNATURE


WITNESS PRINTED NAME

Dated: 6-7-2002

P. Leo McGrane
P. Leo McGrane

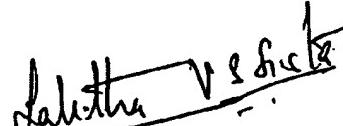

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Assignment
Attorney Docket No.: 019801-000240US
Page 3

Dated: 6/7/2002


Lalitha V.S. Sista


WITNESS SIGNATURE
Paula Greene
WITNESS PRINTED NAME

Dated: 06-07-2002


Thorsten A. Kirschberg


WITNESS SIGNATURE
Paula Greene
WITNESS PRINTED NAME